

Exhibit 1

E-FILED; Baltimore County Circuit Court

Docket: 3/25/2021 4:18 PM; Submission: 3/25/2021 4:18 PM

EDWARD WEINER, individually, and
EDWARD WEINER and MONYE
WEINER, spouses
7723 Grasty Road
Pikesville, Maryland 21208

Plaintiffs

v.

SAM'S WEST, INC. d/b/a SAM'S CLUB
702 SW 8th Street
Bentonville, Arkansas 72716

Serve on: The Corporation Trust, Inc.
2405 York Road, Suite 201
Lutherville-Timonium, MD 21093

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* MARYLAND
* Case No.: C-03-CV-20-001192
* C-03-CV-21-000909

* * * * *

COMPLAINT

Plaintiffs Edward Weiner ("Mr. Weiner"), individually, and Edward Weiner and Monye Weiner, spouses, through their attorneys, Paul D. Bekman, and Bekman, Marder & Adkins LLC, hereby sue Defendant Sam's West, Inc. d/b/a Sam's Club ("Sam's Club"), for the following reasons:

Jurisdiction and Venue

1. Plaintiffs are citizens and residents of Baltimore County.
2. Defendant Sam's West, Inc. d/b/a Sam's Club is a foreign corporation with its principal place of business in Arkansas. Defendant regularly conducts business throughout the State of Maryland, including in Baltimore County, where it owns and operates retail warehouse clubs.
3. Venue is proper in the Circuit Court for Baltimore County, pursuant to Md. Code

Ann., Cts. & Jud. Proc. § 6-201(a) because Defendant carries on a regular business throughout the State of Maryland, including in Baltimore County, and under Md. Code Ann., Cts. & Jud. Proc. § 6-202(8) because the cause of action arose in Baltimore County.

4. The amount of this claim exceeds the jurisdictional limit necessary to proceed in the Circuit Court for Baltimore County.

Factual Background

5. At all relevant times, Defendant, through its agents and employees, owed a duty of reasonable care to Plaintiffs to see that all portions of the property that an invitee might be expected to use were safe.

6. At about 7:10 am on January 2, 2020, Mr. Weiner's vehicle was stopped along the curb near the front of the entrance to Sam's Club on Baltimore National Pike in Baltimore County. He opened the driver's side door of his vehicle to exit the vehicle. As his door was still open, a tractor trailer bearing the faded work "Shaffer" printed in faded ink on the top rear right side of the trailer, which had been parked at Sam's Club for the night, turned the corner into the Sam's Club parking lot. The tractor trailer drove forward, striking Mr. Weiner's driver side door and bending the door backwards. The tractor trailer then traveled in reverse to extricate itself from Mr. Weiner's driver side door. As Mr. Wiener exited his vehicle to attempt to bend the door back into place, the tractor trailer suddenly and without warning accelerated forward, striking Mr. Weiner and running over both of his arms and his right leg. The driver of the tractor trailer then fled the scene.

7. Mr. Weiner was taken to Shock Trauma following the incident. Due to the incident, Mr. Weiner suffered severe injuries to his arms, leg, and ankle, and underwent as multiple surgeries, blood transfusions, and skin grafts. He also required extensive inpatient rehabilitation.

COUNT I – NEGLIGENCE

8. Plaintiffs adopt and incorporate all preceding paragraphs.
9. Defendant, through its agents and employees acting in the scope of their agency or employment, was negligent and careless in that it:
 - a. failed to ensure that all portions of the property that an invitee, such as Plaintiff, might be expected to use were safe, including but not limited to permitting tractor trailers to go and come from, and park on, its property, at will, without implementing any kind of traffic control or direction for tractor trailers driving through its parking lot where pedestrian invitees were located and parked, without setting any kind of regulations for these tractor trailers, and without keeping logs of the tractor trailers located on its property at any specific time;
 - b. failed to warn invitees, such as Plaintiff, of the unsafe conditions of its property, including but not limited to the fact that it permitted tractor trailers to go and come from, and park on, its property, at will, without implementing any kind of traffic control or direction for tractor trailers driving through its parking lot where pedestrian invitees were located and parked, without setting any kind of regulations for these tractor trailers, and without keeping logs of the tractor trailers located on its property at any specific time;
 - c. failed to direct or regulate the tractor trailer traffic in its parking lot on the day of the incident, which resulted in an injury to Plaintiff, an invitee;
 - d. maintained a dangerous and unsafe condition on the property as specified above in (a)-(c); and
 - e. was otherwise negligent and careless.
10. As a direct and proximate result of the negligence of Defendant, Mr. Weiner suffered serious and permanent physical injuries, for which he has incurred substantial medical bills; has endured and will continue to endure severe pain and suffering, mental anguish,

inconvenience and discomfort, disfigurement, diminished enjoyment of life, and other damages; has suffered other financial losses; and was otherwise injured and damaged.

WHEREFORE, Plaintiff Edward Weiner claims damages against Defendant Sam's West, Inc. d/b/a Sam's Club in an amount exceeding \$75,000.00 to be determined by a jury, with all costs to be paid by Defendant.

COUNT II – LOSS OF CONSORTIUM

11. Plaintiffs adopt and incorporate all preceding paragraphs.

12. As a direct and proximate result of the aforesaid carelessness and negligence of the tortfeasor, Edward Weiner and Monye Weiner, spouses, have been caused to suffer mental anguish and emotional pain and suffering, and have lost and been deprived of the advice, aid, assistance, attention, care, comfort, companionship, counsel, services, society, and support of each other.

WHEREFORE, Plaintiffs Edward Weiner and Monye Weiner, spouses, claim damages in an amount exceeding \$75,000.00 to be determined by a jury, with all costs to be paid by Defendant.



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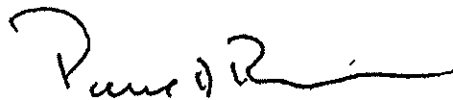
* MARYLAND

* Case No.: ~~C-03-CV-20-001192~~

* * * * *

ELECTION FOR JURY TRIAL

Plaintiffs Edward Weiner, individually, and Edward Weiner and Monye Weiner, spouses, through their attorneys, Paul D. Bekman, and Bekman, Marder & Adkins LLC, respectfully request a trial by jury in the above captioned matter.

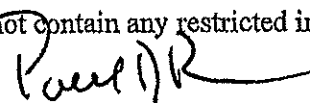


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CERTIFICATE OF REDACTION

I hereby certify that this filing does not contain any restricted information.



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